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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/804,909	03/13/2001	Kenneth S. Ehrman	ID-3	ID-3 7706	
23932	7590 01/27/2004		EXAMINER		
JENKENS & GILCHRIST, PC 1445 ROSS AVENUE			JASMIN, LYNDA C		
SUITE 3200	VENUE		ART UNIT	PAPER NUMBER	
DALLAS, TX	75202		3627		
			DATE MAN ED 01/20/200	DATE MAIL ED: 01/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	<u>.</u>			1		
## Diffice Action Summary  ## Lynda Jasmin  ## Lynda Jasmin  ## Jasmin   J		Application No.	Applicant(s)			
Lynda Jasmin   3627		09/804,909	EHRMAN ET AL.			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Bedwards of some may be waiting the incidence of 3 of ER1 335(a), in no event, however, may a reply be timely filled between the provision of 3 of ER1 335(a), in no event, however, may a reply be timely filled between the provision of the period for reply appendix before the provision of the period for reply appendix before the provision of the period for reply appendix devent before the period for reply and the period for reply in specified above, the maximum distatory period will appen and will expert as (b) MIGHTS from the maining date of this communication.  1 If the period for reply is appendix above, the maximum distatory period will appen and will expert as (b) MIGHTS from the maining date of this communication.  1 If the period for reply is appendix above, the maximum distatory period will appen and will expert as (b) MIGHTS from the maining date of this communication.  2 If the period for reply appendix the set of extended period for reply will, by status, cause the speciation, to become ADMADONED (93 13.6 § 13.5).  2 If the period for reply appendix the set of extended period of the communication, even if there is the considered will appendix the set of the communication of the communication.  2 If the period for reply appendix the set of the communication of the communication of the communication.  3 If the period for the period for reply will, by status, cause the speciation to become ADMADONED (93 14.6 § 13.5).  2 If the period for reply appendix the set of the period of the communication of the communication.  3 If the period for the period for reply will, by status, cause the special for the communication of the communication.  4 If the period for the period for reply will, by status, cause the special for the period for reply appendix the period fo	Office Action Summary	Examin r	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 37 CFR 1.35(a), and available under the statutory reminium of thirty (30) days will be considered timely.  If NO period for reply is apacified above, the maximum statutory period will apply and will acquire SEX (6) MONTHS from the mailing attending to the provision of the above claim(s) is/are epideted.  Signal of the above claim(s) is/are rejected.  Claim(s) is/are rejected to.  Signal claim(s) 16-57 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The other drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.35(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. Sea 37 CFR 1.32(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119(a)-(d) or (f).  1) Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  **S						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Expensions of time many be available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled  Expensions of time page agreement of the provision of the provision of the period for reply specified above is less than thirty (30) days, a reply which the statutory minimum of thirty (30) days, as well be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply which the statutory minimum of thirty (30) days, as well be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply which the statutory minimum of the provision of the communication.  Falsius to reply which the set of extended period for reply well, by statute, cause the speciation to become AdM-00NtcD (35 U.S.C. § 133).  Septimized patent term adjustment with a set of the communication.  A page of the provision of Claims  A) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A) Claim(s) 16-57 is/are pending in the application.  4) Claim(s) 16-57 is/are allowed.  6) Claim(s) 16-57 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application required that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to .See 37 CFR 1.121(d).  11) All by Some c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority		pears on the cover sheet with the c	orrespondence addre	ss		
THE MAILING DATE OF THIS COMMUNICATION.  Eletisors of time may be available under the provisions of 37 CPR 1.13(d). In no event, however, may a raply be timely filed after SX (8) MONTHS from the mailing date of this communication.  If the period crayl specified below a less fileshment of the communication of the period of the period of the communication of the period of the per		VIC CET TO EVOIDE 4 MONTU/	S) EDOM			
Status  1)  Responsive to communication(s) filed on 04 November 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 16-57 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  7) Claim(s) is/are objected to.  8) Claim(s) 16-57 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some *c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  31) The translation of the foreign language provisional application or in an Application Dat	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a rep</li> <li>If NO period for reply is specified above, the maximum statutory period</li> <li>Failure to reply within the set or extended period for reply will, by statut</li> <li>Any reply received by the Office later than three months after the mailin</li> </ul>	136(a). In no event, however, may a reply be timely within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this commo	unication.		
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5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to by the Examiner. 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. a) ☐ The translation of the foreign language provisional application has been received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Altachment(s)  10 ☐ Notice of References Cited (PTO-892) 21 ☐ Notice of References Cited (PTO-982) 22 ☐ Notice of Informal Patent Application (PTO-152)	4) Claim(s) 16-57 is/are pending in the application	on.				
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Application/Control Number: 09/804,909

Art Unit: 3627

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 16-51, drawn to "a method for renting a rental vehicle".
  - II. Claims 52-57, drawn to "a method for managing rental vehicles".

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions I and II have separate utilities. Invention I does not require monitoring vehicle movement within the rental lot of invention II. Invention II does not require initiating a rental transaction, nor does it require the process of returning of a vehicle. Thus, Inventions I and II have different functions and could be used separately. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, and because they have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. This application contains claims directed to the following patentably distinct species of the claimed invention: Species I is directed to "a method associated with initiating a rental transaction"; and Species II is directed to "a process for vehicle rental return".

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. A telephone call was made to Andre M. Szuwalski on January 23, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

mary Examiner

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